

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

AMIR HARVEY

Case No. 22-1519

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 19, 2022 in the county of Philadelphia in the
Eastern District of Pennsylvania, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. 2119

18 U.S.C. 924(c)

Carjacking

Carrying, using, and brandishing a firearm during the commission of a crime of violence

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

s/ Jared Krzywicki

Complainant's signature

Jared Krzywicki, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 09/27/2022City and state: Philadelphia, PAElizabeth
T. HeyDigitally signed by
Elizabeth T. Hey
Date: 2022.09.27
15:29:29 -04'00'*Judge's signature*

Hon. Elizabeth T. Hey, U.S. Mag. Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Jared Krzywicki, being duly sworn, do hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent for the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), and have been so employed since July 2017. In this capacity, I am authorized to investigate violations of the laws of the United States and to execute search warrants issued under the authority of the United States. I have completed the Criminal Investigator Training Program and ATF Special Agent Basic Training at the Federal Law Enforcement Training Center in Glynco, Georgia. Prior to my current position, I served as a police officer with the Philadelphia Police Department (“PPD”) for 10 years where I policed high crime areas and participated in hundreds of felony arrests, search warrants, and investigations. As a police officer I was assigned to a tactical unit responsible for addressing violent crimes— many involving firearms— and to a narcotics enforcement team where I participated in surveillance operations and investigations into drug trafficking offenses. I am currently assigned to ATF Philadelphia Group VII, which is a Firearms Enforcement Group, whose primary responsibilities include investigating violent crime through the illegal use of firearms, to include firearms violations, robberies, carjackings, non-fatal shootings and homicides. As a Special Agent, I have participated in and personally conducted investigations involving these and other offenses and I am familiar with the evidence in this criminal complaint affidavit to establish probable cause.

2. During my tenure with ATF, I have been the affiant for numerous federal search and arrest warrants. I have personally conducted and participated in dozens of investigations,

which have resulted in the arrest and prosecution of individuals charged with federal crimes including federal firearms offenses, carjackings, and robberies.

3. The information contained in this affidavit is known to me personally or has been relayed to me by other law enforcement officers or is based upon my review of law enforcement reports and other documents. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause to secure an arrest warrant, I have not included every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause that Amir HARVEY committed violations of 18 U.S.C. §§ 2119 (carjacking), and 924(c)(1)(A)(ii) (carrying, using, and brandishing a firearm during and in relation to a crime of violence).

PROBABLE CAUSE

4. Beginning in early September 2022, an armed robbery committed by at least four individuals of the “Hook and Reel” restaurant, and a carjacking incident took place in Northeast Philadelphia. A review of Philadelphia Police Department (“PPD”) paperwork and records, together with information obtained from officers and detectives involved in those investigations, led to ATF’s belief that the same individual committed these acts based upon the location, time, manner, and depiction of the doers captured on video recovered following both incidents. As part of this investigation, and discussed more fully below, the victims of the robberies were interviewed by law enforcement. The identities of those victims are known to law enforcement. The victims are identified herein by their initials to protect their identity and ensure their safety. The information provided by the victims from both incidents have been independently corroborated by other evidence.

Incident #1: September 9, 2022- Robbery of Hook and Reel Restaurant

5. On September 9, 2022 at approximately 11:00 p.m., PPD Officers responded to a report of a robbery in progress at the Hook and Reel restaurant located at 9763 Roosevelt Boulevard in Northeast Philadelphia. Once at that location, they encountered G.L., an employee of the restaurant who told the officers that moments earlier, four males armed with handguns forced their way inside the restaurant and stole money from the cash drawers. G.L. was interviewed by PPD detectives and reported that just after closing, at approximately 10:55 p.m., he was standing outside of the restaurant smoking a cigarette when four males wearing facemasks, latex gloves, and armed with handguns, approached him from the parking lot and forced him inside the restaurant. Once inside, the males ransacked the office area and took approximately \$400 from the cash drawers. G.L. further stated that he was able to flee from the restaurant, and once outside, he called the police to report the robbery. G.L. stated that the males fled from the location before the police arrived. After the robbery, PPD detectives recovered surveillance video from the restaurant. The description of that video is described more fully below.

Incident #2: September 19, 2022-Carjacking at 8905 Maxwell Place

6. On September 19, 2022 at approximately 6:30 a.m., PPD responded to a robbery in progress on the 8900 block of Maxwell Place in Northeast Philadelphia. Once at that location, they spoke with J.C., who reported to the officers that her car had just been stolen by a man armed with a handgun as she and her 14 year-old daughter (hereinafter “Juvenile Victim”) were getting into the car on their way to school. J.C. and Juvenile Victim were interviewed by PPD detectives and stated in summary that just after 6:15 a.m., J.C. started her white, 2020 Hyundai

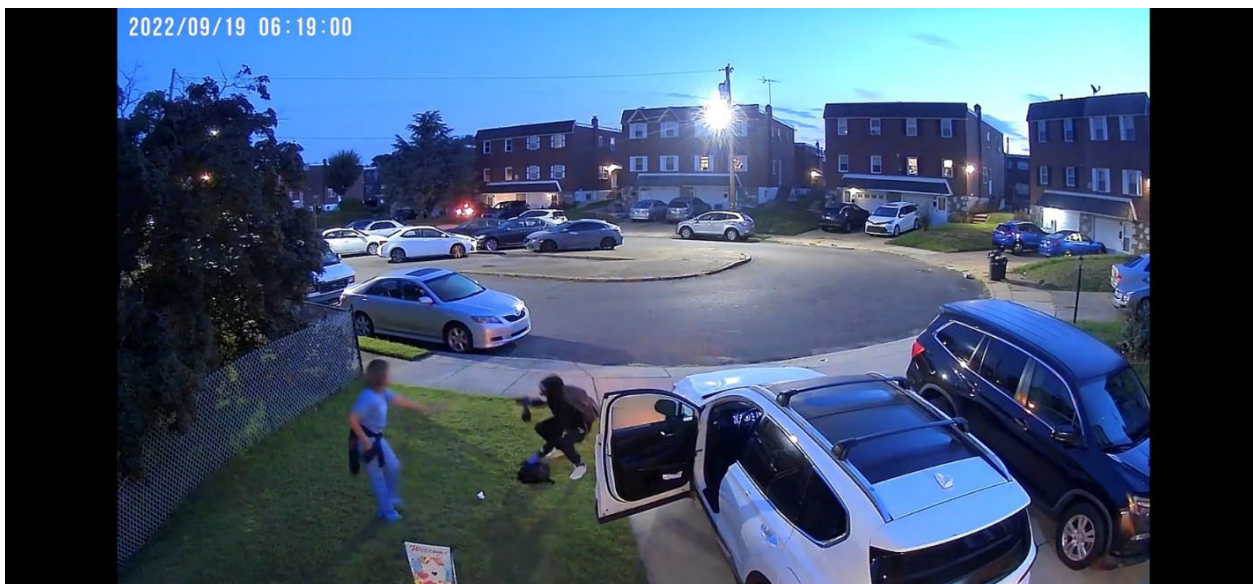
Santa Fe,¹ bearing Pennsylvania license plate JSH-3629 using an application on her cell phone. A short time later J.C. and Juvenile Victim, exited their house and walked to the car parked in the driveway in front of their home. As Juvenile Victim approached the passenger front door, a black male, wearing a black hooded sweatshirt, baseball cap, facemask, and blue gloves snuck up on Juvenile Victim and pointed a black handgun, equipped with a “drum” style high-capacity magazine directly at Juvenile Victim’s head. Frightened, Juvenile Victim dropped her backpack and ran across the street to a neighbor’s house. At the same time, J.C. was placing a white bag into the back seat of the car when she heard her daughter scream. After chasing Juvenile Victim away from the car, the male ran directly at J.C., and pointed the gun at her head. J.C. dropped her black purse and car keys in front of her onto the grass and put her hands in the air. The male took the keys and the purse from the lawn, entered the driver seat and sped off in the victim’s Hyundai Santa Fe.

7. After the carjacking, J.C. called the police and accessed her Hyundai Santa Fe’s location through a Hyundai application on her cellular phone. Using the application, J.C. tracked the car to the area of 2000 Griffith Street in Northeast Philadelphia. J.C. relayed this information to PPD officers who responded to the report of the carjacking. PPD officers went to the 2000 block of Griffith Street and located the Hyundai Santa Fe, unoccupied and parked on the 2000 block of Griffith Street between 7900 Castor Avenue and 7900 Large Street. The car was recovered approximately 2.6 miles from J.C.’s residence and from the same unit block of HARVEY’s residence, as described below.

¹ This vehicle was manufactured in Alabama, thus by virtue of its presence in the Commonwealth of Pennsylvania, it travelled in interstate commerce.

8. Following the carjacking, PPD detectives recovered video surveillance footage of the carjacking from multiple cameras on Maxwell Place. I watched the recovered video which shows the carjacking as described by J.C. and Juvenile Victim. The video shows a male riding down Maxwell Place on a bicycle. Just before the carjacking, the male attempts to open the door handles of several cars parked on the street. Additional video shows a black male approach J.C.'s residence on a bicycle, the male, who appears to be wearing a white medical mask, black hooded sweatshirt with a light-colored emblem on the front, black pants with a small white emblem on the left thigh, white sneakers, baseball hat, blue latex gloves, a dark colored backpack, armed with a black handgun equipped with what appears to be a high capacity "drum" magazine. Still images from the video are depicted below:





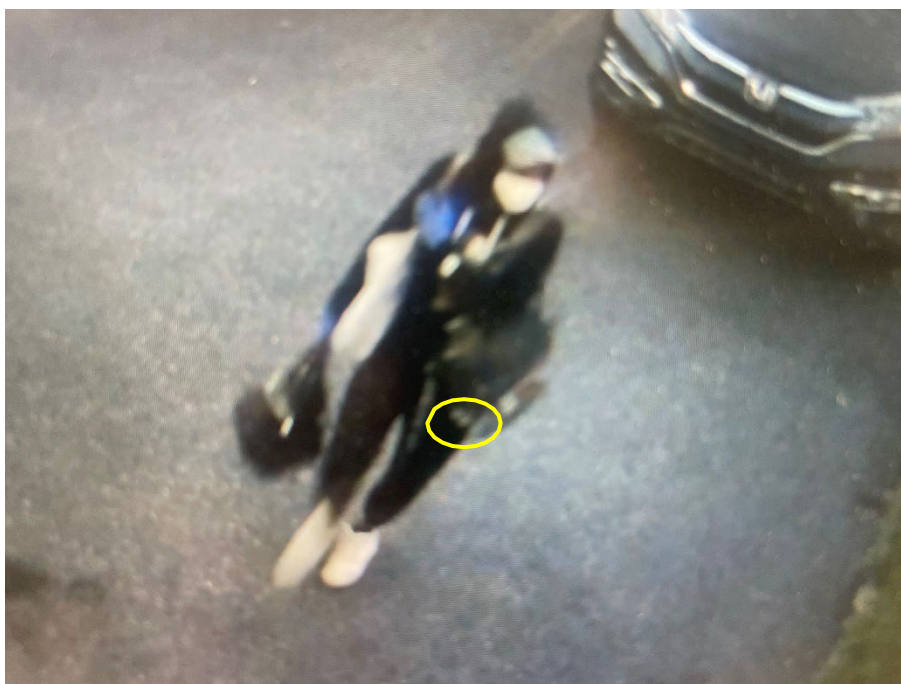
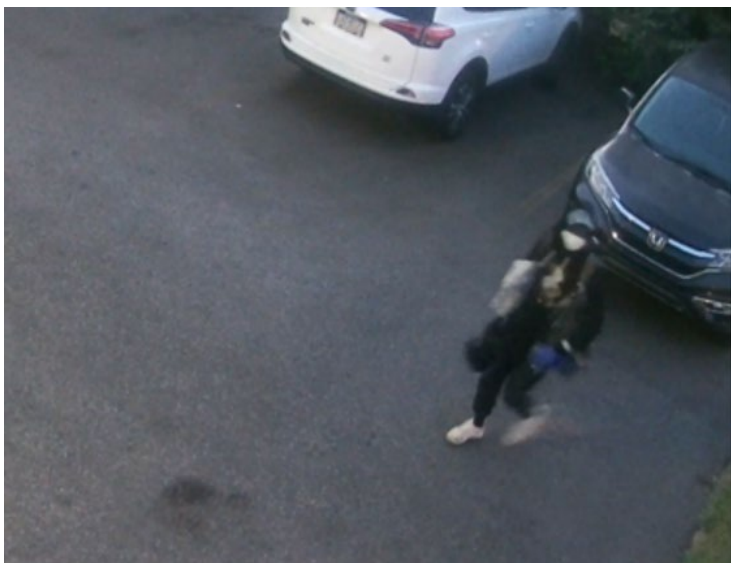
Video Recovery from 7929 Castor Avenue

9. On September 21, 2022 PPD detectives went to the location where the Hyundai Santa Fe was recovered (Griffith and Castor Avenues) after the carjacking. Detectives recovered video from a nearby apartment building located at 7927-7929 Castor Avenue from the building's property manager.² I reviewed the surveillance video, which shows a black male who appears to

² The detectives confirmed that the recovered video is 30 minutes faster than actual time, which was documented and photographed.

be wearing the same clothing as the person depicted in the video of the carjacking, enter the basement door of the apartment building at 6:27 a.m.³ (adjusted time). This is approximately 10 minutes after the carjacking occurred. The male is carrying three bags, appearing consistent with those initially carried by J.C. and Juvenile Victim, as he enters the property. Still images of the video are depicted below:

³ Video recovered from the carjacking shows that the person who committed the carjacking fled in the car at a high rate of speed at 6:19 a.m. The scene of the carjacking, (8900 Maxwell Place) is approximately 2.6 miles from where the car was recovered (2000 Griffith Street), which is an estimated 8 minute drive.



10. A second surveillance camera located inside the basement of the apartment building shows the same male travel through the basement area, and walk up the north side steps of the apartment building which gives access to the apartments in 7929 Castor Avenue. Still images are depicted below.



Amir HARVEY's association with 7929 Castor Avenue, Unit #1

11. Investigators conducted an open-source check for residents of 7929 Castor Avenue and learned that Amir HARVEY is associated with 7929 Castor Avenue, Apartment 1. Investigators also conducted a “premise history” for any prior contacts with the PPD in relation to 7929 Castor Avenue. Reports show that between May 27, 2022 and June 16, 2022, police were dispatched to 7929 Castor Avenue, Unit #1 on four separate occasions for domestic disturbances involving HARVEY and K.E. During those interactions HARVEY told responding officers that he resided in the apartment. In one of those reports to PPD, HARVEY identified 215-930-9467 as his contact number to the responding officer.

12. While conducting surveillance of the area on September 23, 2022, Special Agent Krzywicki also observed a silver Nissan Altima, bearing Pennsylvania license plate LYV-8538 parked in the rear of 7929 Castor Avenue. A Bureau of Motor Vehicle check of the license plate listed HARVEY as the owner. A check of PPD records showed that HARVEY was stopped in

this vehicle on June 30, 2022 with a temporary tag on the vehicle, and he then gave an address of 7929 Castor Ave as his address.

Video recovery from Hook and Reel Restaurant

13. After developing HARVEY as a possible suspect, PPD detectives conducted an employment history check for HARVEY and learned that HARVEY was previously employed by Hook and Reel Restaurant, located at 9763 East Roosevelt Boulevard, Philadelphia, Pennsylvania. Detectives subsequently spoke with the manager of the restaurant, S.S., who confirmed HARVEY's previous employment, but stated that HARVEY was terminated in April 2022. Detectives were then given access to the video equipment to retrieve the surveillance footage of the night the restaurant was robbed on September 9, 2023.⁴ I reviewed the recovered footage which depicts much of the robbery, and observed that one of the individuals who committed the robbery was wearing what appears to be the same clothes worn by the male who committed the carjacking of J.C. (black hooded sweatshirt with light colored emblem, black pants with white insignia on the left thigh, white sneakers, blue latex gloves, dark colored backpack) and that same individual was also armed with a black handgun equipped with an extended high capacity "drum" magazine that he placed on the table while searching the office shelves. Still images from the Hook and Reel Restaurant robbery are depicted below:

⁴ Video recovered from the Hook and Reel surveillance system was approximately 7 minutes faster than actual time.







Identification of Amir HARVEY

14. On September 23, 2022 PPD detectives met with carjacking victims J.C. and M.R. Juvenile Victim. Both victims were independently and separately shown a double-blind photo array of six individuals. J.C. positively identified HARVEY as the individual who pointed a gun at her and carjacked her vehicle on September 19, 2021. When documenting her exact response J.C. wrote “This is the person who robbed me and my daughter”. When asked how confident this is the person that committed the crime, J.C. wrote “I’m 99% sure”. Juvenile Victim was unable to positively identify anyone from within the lineup.

15. Following the identifications, I obtained body worn camera footage from one of the previous calls to 7929 Castor Avenue, Apartment 1 involving HARVEY that occurred on June 11, 2022. I reviewed the video and observed that HARVEY appears to be wearing the same black pants as the individual who committed the carjacking of J.C. and one of the individuals who committed the Hook and Reel robbery. A still from the body worn camera are depicted below:



Conclusion

16. Based on the above information set forth above, I believe there is probable cause to charge HARVEY with violations of 18 U.S.C. §§ 2119 (carjacking) and 924(c)(1)(A)(ii) (carrying, using, and brandishing a firearm during and in relation to a crime of violence).

Respectfully submitted,

s/ Jared Krzywicki

JARED KRZYWICKI

Special Agent

Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to and subscribed before me
this ____ day of September 2022.

Elizabeth T. Hey

Digitally signed by Elizabeth T.
Hey
Date: 2022.09.27 15:32:48 -04'00'

HONORABLE ELIZABETH T. HEY
UNITED STATES MAGISTRATE JUDGE

Attachment “A”

Count One

On or about September 19, 2022, in Philadelphia, in the Eastern District of Pennsylvania, defendant Amir Harvey, with intent to cause death and serious bodily harm, took from the person and presence of Victim #1, by force and violence, and by intimidation, a motor vehicle, that is, a 2020 Hyundai Santa Fe, license plate PA JSH-3629, that had been transported, shipped, and received in interstate commerce. In violation of Title 18, United States Code, Section 2119.

Count Two

On or about September 19, 2022, in Philadelphia, in the Eastern District of Pennsylvania, defendant Amir Harvey knowingly used and carried a black firearm with a drum magazine, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, carjacking, in violation of Title 18, United States Code, Section 2119, as charged in Count One of this complaint, and that firearm was brandished. In violation of Title 18, United States Code, Section 924(c)(1)(A)(ii).